

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Rocky Mountain Power for Approval of Pole Attachment Agreement between PacifiCorp and Leavitt Group Enterprises, Inc.)
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DOCKET NO. 10-035-01

ORDER APPROVING POLE
ATTACHMENT AGREEMENT

ISSUED: February 23, 2010

By The Commission:

This matter is before the Commission on Pacificorp's (Company) application for approval of a pole attachment agreement with Leavitt Group Enterprises, Inc. The Company submitted a copy of the proposed agreement together with the Company's Joint Use Distribution Construction Standards with its application on or about January 7, 2010. The application was negotiated, and then agreed to by the Leavitt Group and the Company on December 7, 2009 and December 10, 2009, respectively.

The agreement differs from the safe harbor pole attachment agreement approved in Docket No. 04-999-03. Therefore, pursuant to Utah Admin. R746-345-1(B)(2), the Company must obtain Commission approval for its use.

The Division of Public Utilities (Division) submitted its recommendation on February 3, 2010. It stated it reviewed the application, the negotiated agreement and the Commission rules on pole attachments. It also noted this agreement was timely filed. The Division commented on the agreement's substantive and non-substantive changes to the agreement when compared with the safe harbor agreement. It noted the Commission previously approved similar changes in Docket No. 09-035-52. It found the changes and terms to be just and reasonable and recommended approval.

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Having reviewed the application and attachments, and the Division recommending approval, and finding the approval of the application to be just and reasonable and in the public interest, the Commission approves the application.

Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 23rd day of February, 2010.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 23rd day of February 2010 as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#65323